

1 **KRIS MAYES**  
2 **ATTORNEY GENERAL**  
3 (Firm State Bar No. 14000)

4 Hayleigh S. Crawford (No. 32326)  
5 Office of the Arizona Attorney General  
6 2005 N. Central Avenue  
7 Phoenix, AZ 85004-1592  
8 Phone: (602) 542-3333  
9 Hayleigh.Crawford@azag.gov  
ACL@azag.gov

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11  
12 *Attorneys for Defendant*  
13 *Arizona Attorney General Kris Mayes*

14 Arizona Broadcasters Association, et al.,

15  
16 Plaintiff,

17 v.

18 Kris Mayes, in her official capacity as  
19 Attorney General for the State of  
20 Arizona, et al.,

21 Defendants.

22  
23 Case No: CV-22-01431-PHX-JJT

24  
25 **STIPULATION REGARDING ENTRY**  
26 **OF PERMANENT INJUNCTION AND**  
27 **DECLARATORY JUDGMENT**

28 (Assigned to the Hon. J. John Tuchi)

29  
30 Plaintiffs filed their Complaint against Defendants seeking a declaratory judgment  
31 that A.R.S. § 13-3732 is unconstitutional under the First and Fourteenth Amendments of  
32 the United States Constitution and permanently enjoining any enforcement of the statute.

1 Some Defendants have defaulted; the remaining Defendant and Plaintiffs agree to this  
 2 Stipulation regarding entry of a Permanent Injunction and Declaratory Judgment to  
 3 resolve all non-attorney fees matters in dispute in this action.

4 Specifically, for the reasons set forth on the record at the hearing on Plaintiffs'  
 5 request for a Preliminary Injunction, which this Court will treat as a trial on the merits  
 6 under Rule 65(a)(2), and in Plaintiffs' Complaint and Motion for Preliminary Injunction,  
 7 which Defendants did not challenge on the merits, Plaintiffs Arizona Broadcasters  
 8 Association; Arizona Newspapers Association; Fox Television Stations, LLC; Gray  
 9 Media Group, Inc. d/b/a KTVK-KPHO and d/b/a KOLD; KPNX-TV Channel 12, a  
 10 division of Multimedia Holdings Corp.; National Press Photographers Association;  
 11 Phoenix Newspapers, Inc.; Scripps Media, Inc. d/b/a KGUN-TV and d/b/a KNXV-TV;  
 12 States Newsroom/Arizona Mirror; Telemundo of Arizona LLC; and American Civil  
 13 Liberties Union of Arizona and Defendant Kris Mayes, in her capacity as the Attorney  
 14 General of Arizona, hereby stipulate as follows:

15

- 16 1. A.R.S. § 13-3732 is unconstitutional as a violation of the First Amendment to the  
 17 United States Constitution, as applied to the states through the Fourteenth  
 18 Amendment, because:
  - 19 a. there is a clearly established right to record law enforcement officers  
 20 engaged in the exercise of their official duties, *see, e.g., Askins v. Dep't of  
 Homeland Sec.*, 899 F.3d 1035, 1044 (9th Cir. 2018);
  - 21 b. the statute imposes a content-based restriction that is subject to strict  
 22 scrutiny as it “singles out specific subject matter”—recordings of law  
 23 enforcement activities—“for differential treatment,” *Reed v. Town of  
 Gilbert*, 576 U.S. 155, 169 (2015); and

- c. the statute does not survive strict scrutiny because it is not narrowly tailored or necessary to prevent interference with police officers given other Arizona laws in effect.

4 2. A.R.S. § 13-3732 is unconstitutional as a violation of the First Amendment to the  
5 United States Constitution, as applied to the states through the Fourteenth  
6 Amendment, because:

a. the statute is not a reasonable “time place and manner” restriction, *see Hill v. Colorado*, 530 U.S. 703, 713 (2000); and

- b. the statute cannot withstand intermediate scrutiny because the law prohibits or chills a substantial amount of First Amendment protected activity and is unnecessary to prevent interference with police officers given other Arizona laws in effect.

13 3. Defendants, and any others acting in concert or participation with them who receive  
14 actual notice of this injunction, are permanently enjoined from enforcing A.R.S.  
15 § 13-3732 against any person or entity, or using an alleged violation of A.R.S. § 13-  
16 3732 as an excuse, justification, or reason to punish or otherwise take or fail to take  
17 any action adverse to the interests of any person or entity.

18 A proposed form of Order accompanies this stipulation. The parties further stipulate and  
19 agree that this Court should retain jurisdiction over this action for the purposes of  
20 construction, modification, and enforcement of the proposed Order.

RESPECTFULLY SUBMITTED this 12th day of July, 2023.

**KRIS MAYES  
ATTORNEY GENERAL**

By: /s/ Hayleigh S. Crawford

Hayleigh S. Crawford  
Office of the Arizona Attorney General  
2005 N. Central Ave.  
Phoenix, Arizona 85004

1 *Attorneys for Defendant*  
2 *Arizona Attorney General Kris Mayes*

3 **AMERICAN CIVIL LIBERTIES UNION**  
4 **FOUNDATION OF ARIZONA**

5 By: /s/ K.M. Bell (with permission)

6 K. M. Bell  
7 Jared G. Keenan  
8 3707 North 7th Street, Suite 235  
Phoenix, AZ 85014

9 **AMERICAN CIVIL LIBERTIES UNION**  
10 **FOUNDATION**

11 Esha Bhandari  
12 Vera Eidelman  
13 American Civil Liberties Union Foundation  
14 125 Broad Street, 18th Floor  
15 New York, NY 10004

16 *Attorneys for Plaintiff American Civil*  
17 *Liberties*  
18 *Union of Arizona*

19 **BALLARD SPAHR LLP**

20 By: /s/ Matthew E. Kelley (with permission)

21 David J. Bodney  
22 Matthew E. Kelley  
23 Kennison Lay  
24 1 East Washington Street, Suite 2300  
25 Phoenix, AZ 85004-2555

26 *Attorneys for Plaintiffs Arizona Broadcasters*  
27 *Association; Arizona Newspapers*  
28 *Association; Fox Television Stations, LLC;*  
*Gray Media Group, Inc. d/b/a KTVK-KPHO*  
*and d/b/a KOLD; KPNX-TV Channel 12, a*  
*division of Multimedia Holdings Corp.;*  
*National Press Photographers Association;*  
*Phoenix Newspapers, Inc.; Scripps Media,*  
*Inc. d/b/a KGUN-TV and d/b/a KNXV-TV;*  
*States Newsroom/Arizona Mirror; and*  
*Telemundo of Arizona LLC*